UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MANG YANG,	Case No. 19-CV-740-WMW-KMM
Plaintiff,	
v.	**REPORT AND RECOMMENDATION**
STATE OF MINNESOTA, RAMSEY COUNTY, and, RAMSEY COUNTY JAIL,	
Defendants.	

In an order dated August 27, 2019, this Court reminded Mang Yang to pay an initial partial filing fee if he wished to continue prosecuting this case. *See* [ECF No. 4]. Mr. Yang was given until September 20, 2019 to pay the initial fee of $41.82, failing which it would be recommended that this action be dismissed without prejudice for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

That deadline has now passed, and Mr. Yang has not paid an initial partial filing fee or communicated with the Court. Accordingly, this Court now recommends, in accordance with its prior order, that this action be dismissed without prejudice under Rule 41(b) for failure to prosecute. *See Henderson v. Renaissance Grand Hotel*, 267 Fed. App'x 496, 497 (8th Cir. 2008) (per curiam) ("A district court has discretion to dismiss an action under Rule 41(b) for a plaintiff's failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order.").

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RECOMMENDATION

Based upon the foregoing, and on all of the files, records, and proceedings herein,

IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT

PREJUDICE under Fed. R. Civ. P. 41(b) for failure to prosecute.

Date: September 24, 2019   _s/Katherine Menendez_____
                                             Katherine Menendez
                                             United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. *See* Local Rule 72.2(b)(2). All objections and responses must comply with the word or line limits set forth in Local Rule 72.2(c).